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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

NATIONWIDE MUTUAL INSURANCE
COMPANY, an Ohio company,

Plaintiff,

v.

EDWARD Y. KIM, an individual; VICTORIA
LEAVITT, an individual,

Defendants.

CASE NO: 2:24-cv-00830-APG-BNW

**PROPOSED STIPULATED DISCOVERY
PLAN AND SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW
REQUESTED**

The parties, by and through their counsel of record, hereby submit the following Proposed Stipulated Discovery Plan and Scheduling Order:

1. Initial Pleadings: The Complaint in this matter was filed on May 2, 2024. The Complaint was served upon Defendant Edward Y. Kim (“Kim”) on May 24, 2024. ECF No. 6. However, while monitoring Kim’s *State of Nevada v. Edward Kim*, Eighth Judicial District Court of Nevada Case No. C-24-38083-1, counsel for Nationwide Mutual Insurance Company (“Nationwide”) became aware that Kim was determined to be incompetent to stand trial. *Id.* Since Kim was determined to be incompetent within two-weeks after service of the Summons and Complaint, there was a question as to whether Kim was competent at the time of service. *Id.* In an abundance of caution and in fairness to Kim, Nationwide sought an extension to ensure that Kim was served properly under FED. R. CIV. P. 4(g). ECF No. 6. The extension was granted, and Kim was properly served under FED. R. CIV. P. 4(g). ECF No. 7; ECF No. 13. Counsel for Defendant

1 Victoria Leavitt (“Leavitt”) accepted service of the Complaint for Leavitt on May 23, 2024. ECF No.
2 5. Leavitt filed her Answer to the Complaint on July 2, 2024. ECF No. 8.

3 2. Meeting of Counsel Pursuant to Rule 26(f): The Rule 26(f) conference was held on
4 August 29, 2024. Amanda A. Harmon, Esq. of the Law Offices of Kevin R. Hansen participated on
5 behalf of Leavitt, and Nicholas F. Adams, Esq. of the law firm Wilson, Elser, Moskowitz, Edelman
6 & Dicker LLP, participated on behalf of Nationwide.

7 3. Rule 26(a)(1) Disclosures: The parties shall make all disclosures required by Rule
8 26(a)(1) no later than September 12, 2024.

9 4. Discovery Scope and Limits: The parties may conduct discovery on all issues, claims
10 and defenses raised in the pleadings filed in this matter, and within the scope of FED. R. CIV. P.
11 26(b).

12 5. Discovery of Electronically Stored Information: Electronically stored information
13 will be produced in electronic and searchable form unless another form is agreed among the parties.

14 6. Issues Concerning Handling Claims of Privilege: None.

15 7. Orders that this Court Should Issue: The parties discussed other orders that this Court
16 should issue under FED. R. CIV. P. 16(b), FED. R. CIV. P. 16(c), and FED. R. CIV. P. 26(c) and
17 agreed that none are necessary at this time. In the event that they become necessary, the parties will
18 either submit a stipulated proposed order to bring a necessary motion.

19 8. Statement of Reasons Why Longer Time Periods Should Apply: Due to the issues
20 concerning service on Kim, Nationwide and Leavitt have agreed to add an additional 45 days to the
21 180-day discovery period to allow Kim an opportunity to participate in this matter. Kim was recently
22 served under FED. R. CIV. P. 4(g) on August 20, 2024. ECF No. 13. By adding an additional 45
23 days, Nationwide and Leavitt agree that this will allow Kim a fair opportunity to defend this matter
24 and participate in discovery. Accordingly, in fairness to Kim, Nationwide and Leavitt submit that an
25 additional 45 days should be added to the 180-day discovery period.

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1 9. Discovery Plan:

- 2 a. Discovery Cut-Off Date: Leavitt filed her Answer on July 2, 2024. Discovery shall
3 close on February 12, 2025.
- 4 b. Amending the Pleadings and Adding Parties: Motions to amend and add parties shall
5 be filed no later than November 14, 2024.
- 6 c. FED. R. CIV. P. 26(a)(2) Disclosures: Initial expert disclosures shall be due no later
7 than December 14, 2024. Rebuttal expert disclosures shall be due no later than
8 January 13, 2025.
- 9 d. Dispositive Motions: Dispositive motions shall be due no later than March 14, 2025.
- 10 e. Pretrial Order: A joint pretrial order is due April 13, 2025. If, however, “dispositive
11 motions are filed, the deadline for filing the joint pretrial order will be suspended
12 until 30 days after decision on the dispositive motions or further court order.” LR 26-
13 1(b)(5).
- 14 f. FED. R. CIV. P. 26(a)(3) Disclosures: Disclosures required under FED. R. CIV. P.
15 26(a)(3) and any objections will be included in the joint pretrial order.

16 10. Alternative Dispute Resolution: Counsel for the parties certify that they met and
17 conferred about the possibility of using alternative dispute resolution processes, but concluded they
18 are not mutually beneficial at this time.

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11. Alternative Forms of Case Disposition: The parties certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01) but do not consent to those forms of dispute resolution at this time.

Dated this 5th day of September 2024.

**WILSON, ELSE, MOSKOWITZ,
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/s/ Nicholas F. Adams, Esq.

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Attorneys for Defendant Victoria Leavitt

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: September 6, 2024